

Vincent Galvin (CA SBN 104448)
vincent.galvin@bowmanandbrooke.com

Anne O. Hanna (CA SBN 120947)
anne.hanna@bowmanandbrooke.com

BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110
Telephone No.: (408) 279-5393
Fax No.: (408) 279-5845

Joel H. Smith (SC SBN 5266)
joel.smith@bowmanandbrooke.com

BOWMAN AND BROOKE LLP
1441 Main Street, Suite 1000
Columbia, SC 29201
Telephone No.: (803) 726-0020
Fax No.: (803) 726-0021

Lead Defense Counsel for Personal Injury/Wrongful Death Cases

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

(SOUTHERN DIVISION – SANTA ANA)

In Re: Toyota Motor Corp. Unintended
Acceleration Marketing, Sales
Practices, and Products Liability Litigation

This document relates to:

2:10CV01438 JVS (FMOx)

) Case No. 8:10ML02151 JVS (FMOx)

)
) Assigned to: Hon. James V. Selna
) Discovery: Mag. Fernando M. Olguin

)
) NOTICE OF MOTION OF DEFENDANTS
) TOYOTA MOTOR SALES, U.S.A., INC.,
) TOYOTA MOTOR CORPORATION,
) TOYOTA MOTOR NORTH AMERICA,
) INC., AND TOYOTA MOTOR
) ENGINEERING & MANUFACTURING
) NORTH AMERICA, INC., TO DISMISS
) CERTAIN CLAIMS FOR FAILURE TO
) STATE A CLAIM

DATE: December 9, 2010
TIME : 9:00 a.m.
DEPT. Courtroom 10C

1 This personal injury action arises from an automobile accident plaintiffs claim
2 was caused by an unidentified defect in their vehicle. On July 15, 2009, Roy Williams
3 was driving the subject 2006 Toyota Tacoma between Plainville, Kansas and Hays,
4 Kansas, when plaintiffs claim the vehicle suddenly and unexpectedly accelerated. Third
5 Amended Complaint for Damages ("TAC") ¶¶ 19-20. Plaintiffs claim that Mr. Williams
6 was driving the subject vehicle in an intended and foreseeable manner when it
7 unexpectedly accelerated from roadway speed to speeds of up to 80 miles per hour. In
8 an effort to control the sudden acceleration, Mr. Williams attempted various actions,
9 including stepping on the brake pedal, however the vehicle allegedly continued to
10 accelerate at a high rate of speed. Mr. Williams subsequently lost control of the
11 vehicle which veered to the opposite shoulder, overturned multiple times and struck a
12 power pole. TAC ¶ 20.

15 On September 13, 2010, Toyota Motor Sales, U.S.A., Toyota Motor Corporation,
16 Inc., Toyota Motor North America, Inc., and Toyota Motor Engineering & Manufacturing
17 North America, Inc., (collectively "Toyota defendants") filed a Federal Rule of Civil
18 Procedure 12(b)(6) Motion to Dismiss the causes of action common to all or most of the
19 complaints filed in this Multi-District Litigation. See Court Document Number 335.
20 Plaintiffs' complaint in this case asserts causes of action nearly identical to those filed
21 against the Toyota Defendants in the other actions in this Multi-District Litigation.
22 Therefore, in response to Plaintiffs' Third Amended Complaint for Damages, the Toyota
23 defendants incorporate and adopt by reference all the statements, arguments, points of
24 authorities and attachments presented in the "Notice of Motion and Motion of
25 Defendants Toyota Motor Sales, U.S.A., Toyota Motor Corporation, Inc., Toyota Motor
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27
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1 North America, Inc., and Toyota Motor Engineering & Manufacturing North America,
2 Inc., Toyota Motor Manufacturing, California, Inc. and CTS Corporation to Dismiss
3 Certain Claims for Failure to State a Claim” and related papers filed on September 13,
4 2010, Court Document Number 335.
5

6 The Toyota defendants respectfully request the Court to grant their motion and
7 dismiss plaintiffs’ claims.
8

9 Dated: November 16, 2010

Respectfully submitted,

10 By: /s/ Vincent Galvin
11 VINCENT GALVIN (CA SBN 104448)
12 E-mail: vgalvin@bowman-brooke.com
13 BOWMAN AND BROOKE LLP
14 1741 Technology Drive, Suite 200
15 San Jose, CA 95110
16 Telephone: (408) 279-5393
17 Facsimile: (408) 279-5845

18 JOEL SMITH (SC SBN 5266)
19 E-mail: jsmith@bowman-brooke.com
20 BOWMAN AND BROOKE LLP
21 1441 Main Street, Suite 1000
22 Columbia, SC 29201
23 Telephone: (803) 726-0020
24 Facsimile: (803) 726-0021

25 Lead Defense Counsel for Personal
26 Injury/Wrongful Death Cases
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